

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

JI YUN LEE, et al.,

Defendants.

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HONORABLE PAUL A. CROTTY, United States District Judge:

On July 22, 2013, Defendant Hi Jong Lee (“Lee”) moved to suppress evidence seized from a search of his e-mail, pursuant to a warrant issued by Magistrate Judge Henry Pitman on January 24, 2013, and for a bill of particulars. For the reasons stated on the record at the September 9, 2013, oral argument, Lee’s motion is denied.

Specifically, with respect to the suppression of evidence, probable cause to believe the email account in question contained evidence of a crime was established by, *inter alia*, (1) the level of detailed information concerning the alleged conspiracy to distribute oxycodone, including the use of forged prescriptions, as described in the affidavit submitted in support of the search warrant by Drug Enforcement Administration Special Agent Steven Soo Hoo and the January 15, 2013, Sealed Criminal Complaint, and (2) the presence of an email with the subject line “Fw: FORGED SCRIPTS” on a cellular phone seized on January 17, 2013, pursuant to an earlier search warrant.

In addition, a ““bill of particulars is not a discovery device and should not function to disclose evidence, witnesses, and legal theories to be offered by the Government at trial or as a general investigative tool for the defense.”” U.S. v. Miller, 12 Crim. 368, 2012 WL 4791992, at *4 (S.D.N.Y. Oct. 9, 2012) (quoting U.S. v. Mandell, 710 F. Supp. 2d 368, 384 (S.D.N.Y.

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2010)). A bill of particulars is not necessary here because Count Three of the Indictment is not overly broad and the Government has provided sufficient information to enable Lee to prepare his defense.

The Clerk of Court is directed to terminate the motion at docket number 24.

Dated: New York, New York

SO ORDERED

September 9, 2013



PAUL A. CROTTY
United States District Judge